

# EXHIBIT A

LUCAS COUNTY COMMON PLEAS COURT  
CASE DESIGNATION

EFILED LUCAS COUNTY

03/28/2022 11:34 AM

COMMON PLEAS COURT

BERNIE QUILTER, CLERK

efile id 93253

TO: Bernie Quilter, Clerk of Court

G-4801-CI-0202201882-000

Judge

JOSEPH V. MCNAMARA

The following type of case is being

**Professional Malpractice**☐ Legal Malpractice (L)☐ Medical Malpractice (M)☐ **Product Liability (B)**☒ **Other Tort (C)**☐ **Workers' Compensation**☐ State Funded (D)☐ Self Insured (K)☐ **Administrative Appeal (F)**☐ **Commercial Docket****REFILED COMPLAINT**

By submitting the complaint, with the signature of the Attorney, the Attorney affirms that the name of person with settlement authority and his/her direct phone number will be provided upon request to a party or counsel in this matter

**Other Civil**☐ Consumer Fraud (N) ☐ Forfeiture☐ Appropriation (P) ☐ Court Ordered☐ Other Civil (H) ☐ Certificate of Title☐ Copyright Infringement (W)

This case was previously dismissed pursuant to CIVIL RULE 41 and is to be assigned to Judge McNamara, the original Judge at the time of dismissal. The previously filed case number was CI -0202002090-000.

This case is a civil forfeiture case related to a criminal case currently pending on the docket of Judge \_\_\_\_\_. The pending case number is \_\_\_\_\_.

This case is a Declaratory Judgment case with a personal injury or related case currently pending. The pending case number is \_\_\_\_\_, assigned to Judge \_\_\_\_\_.

This case is to be reviewed for consolidation in accordance with Local Rule 5.02 as a companion or related case. This designation sheet will be sent by the Clerk of Courts to the newly assigned Judge for review with the Judge who has the companion or related case with the lowest case number. The Judge who would receive the consolidated case may accept or deny consolidation of the case. Both Judges will sign this designation sheet to indicate the action taken. If the Judge with the lowest case number agrees to accept, the reassignment of the case by the Administration Judge shall be processed. If there is a disagreement between the Judges regarding consolidation, the matter may be referred to the Administrative Judge.

Related/companion case number \_\_\_\_\_ Assigned Judge \_\_\_\_\_

Approve/Deny

Date

Approve/Deny

Date

**Attorney**Michael D. Harlan**Address**3790 Boardman-Canfield RoadCanfield, OH 44406**Telephone**330-533-6565

EFILED LUCAS COUNTY  
03/28/2022 11:34 AM  
COMMON PLEAS COURT  
BERNIE QUILTER, CLERK  
efile id 93253

MDH/gd/jmm  
3/28/2022

IN THE COURT OF COMMON PLEAS  
LUCAS COUNTY, OHIO

JUANITA M. RINGLING  
437 Havre Street  
Toledo, OH 43609

Plaintiff

v.

LARRY FENNERT TRUCKING, LLC  
5076 250<sup>th</sup> Ave  
Waldorf, MN 56091

and

LARRY FENNERT  
5076 250th Ave.  
Waldorf, MN 56091

and

EDWIN P. HUNTER  
129 3<sup>rd</sup> Avenue N.  
Waldorf, MN 56091

and

KEN PRATT TRUCKING COMPANY  
15355 Knighton Ave.  
Platte City, MO 64079

Defendants

REFILE OF CASE NO. G-4801-CI-0202002090-000  
CASE NO.:

JUDGE

**G-4801-CI-0202201882-000**

**Judge**

COMPLAINT

**JOSEPH V. MCNAMARA**

(OTHER TORTS)

**JURY TRIAL DEMANDED**

Plaintiff originally filed a complaint against Defendants on My 4, 2020. Plaintiff JUANITA M. RINGLING later voluntarily dismissed her action pursuant to Ohio Civil Rule 41 (A) without prejudice on April 20, 2021. Plaintiff now utilizes R.C. 2305.19 (Ohio's savings statute) to re-file her claims against the Defendants.

### FIRST CLAIM

1. On the 10th day of December 2018, Plaintiff, JUANITA M. RINGLING, was proceeding westbound on Hill Avenue, in the City of Toledo, County of Lucas, State of Ohio.
2. At that time, Defendant, EDWIN P. HUNTER, negligently operated his motor vehicle into the motor vehicle driven by Plaintiff, JUANITA M. RINGLING, causing the damages hereinafter described.
3. At the time of the above-described accident, Defendant, LARRY FENNERT TRUCKING, LLC, LARRY FENNERT and KEN PRATT TRUCKING COMPANY, negligently entrusted their motor vehicle to Defendant, EDWIN P. HUNTER. Further, EDWIN P. HUNTER was the employee or agent of LARRY FENNERT TRUCKING. KEN PRATT TRUCKING COMPANY and LARRY FENNERT acting within the scope of their employment or agency.
4. As a result of the negligence of the Defendants, LARRY FENNERT TRUCKING, KEN PRATT TRUCKING COMPANY, LARRY FENNERT and EDWIN P. HUNTER, Plaintiff, JUANITA M. RINGLING, suffered injuries to her head, neck, back and other parts of her body causing pain and permanent damage.
5. Plaintiff, JUANITA M. RINGLING, has incurred medical expenses, hospital expenses, and other expenses, and will incur further such expenses.
6. Plaintiff, JUANITA M. RINGLING, has sustained permanent damage, pain and suffering, and expects to incur further pain and suffering in the future.

7. Plaintiff, JUANITA M. RINGLING, has lost earnings, expects to lose further earnings, and earning capacity has been permanently impaired.

## **SECOND CLAIM**

### *Statutory Violation of Truck Driver*

8. For the Second Claim of this Complaint, Plaintiff, JUANITA RINGLING, restates and realleges each and every allegation contained in the preceding paragraph as if fully written herein.

9. Defendant, EDWIN HUNTER, violated statutes and regulations, including but not limited to Ohio R.C. 4511.39 and 49 C.F.R. 350 to 399.

10. Defendant, EDWIN HUNTER'S, statutory violation directly and proximately caused Plaintiffs' damages.

11. Defendant, EDWIN HUNTER, is negligent per se based on these statutory and regulatory violations.

## **THIRD CLAIM**

### *Vicarious Liability of LARRY FENNERT TRUCKING, LARRY FENNERT and KEN PRATT TRUCKING.*

12. For the Third Claim of this Complaint Plaintiff, JUANITA RINGLING, restates and realleges each and every allegation contained in the preceding paragraphs as if fully rewritten herein.

13. Defendant, EDWIN HUNTER, was the employee, agent, servant, or independent contractor for Defendants, LARRY FENNERT TRUCKING, LARRY FENNERT and KEN PRATT TRUCKING. Accordingly, Defendant LARRY FENNERT TRUCKING, LARRY FENNERT and KEN PRATT TRUCKING, are vicariously liable for the acts of Defendant, EDWIN HUNTER, for the causes of this action.

## **FOURTH CLAIM**

### *Strict Liability of LARRY FENNERT TRUCKING, LARRY FENNERT and KEN PRATT TRUCKING.*

14. For the Fourth Claim of this Complaint, Plaintiff, JUNITA RINGLING, restates and realleges each and every allegation contained in the preceding paragraphs as if fully rewritten herein.

15. Regardless of the employment relationship, Defendant, LARRY FENNERT TRUCKING, LARRY FENNERT and KEN PRATT TRUCKING, are the registered owners of USDOT Number 949797 and are therefore responsible for the acts of defendant driver.

#### **FIFTH CLAIM**

##### *Negligence of LARREY FENNERT TRUCKING, LARRY FENNERT and KEN PRATT TRUCKING*

16. For the Fifth Claim of this Complaint, Plaintiff, JUANITA RINGLING, restates and realleges each and every allegation contained in the preceding paragraphs as if fully rewritten herein.

17. Defendants, LARRY FENNERT TRUCKING, LARRY FENNERT and KEN PRATT TRUCKING, had a duty to act reasonably in hiring and retaining EDWIN HUNTER and to promulgate and enforce rules and regulations to ensure its drivers and vehicles were reasonably safe; LARRY FENNERT TRUCKING, LARRY FENNERT and KEN PRATT TRUCKING, negligently failed to maintain their truck.

18. At the time of the accident the Defendants, LARRY FENNERT TRUCKING, LARRY FENNERT and KEN PRATT TRUCKING, were the owners of the chassis, tractor, trailer, container, rear wheels, rear taillights, brakes, brake lights, and other lights located on and attached to the tractor and cab operated by Defendant, EDWIN HUNTER.

19. The aforesaid Defendants, LARRY FENNERT TRUCKING, LARRY FENNERT and KEN PRATT TRUCKING, negligently operated, maintained, and put in service the aforesaid chassis, tractor, trailer, container, rear wheels, rear taillights, brakes, brake lights, and other lights in an unsafe manner creating a hazardous and dangerous condition, which resulted in the accident and injuries set forth in this complaint.

20. Said Defendants, LARRY FENNERT TRUCKING, LARRY FENNERT and KEN

PRATT TRUCKING, negligently provided, and negligently failed to properly inspect, the aforesaid chassis, tractor, trailer, container, rear wheels, rear taillights, brake lights, and other lights in a condition and manner that violated Ohio and Federal safety regulations thereby creating a hazardous and dangerous condition resulting in the damages and injuries to the Plaintiffs set forth herein.

21. Defendants, LARRY FENNERT TRUCKING, LARRY FENNERT and KEN PRATT TRUCKING, negligently maintained and negligently inspected the tractor and trailer including the brakes, taillights, wheels, and other operating systems thereby creating a hazardous and dangerous condition in violation of 49 CFR 350 to 399, which resulted in the accident and injuries set forth in this complaint.

22. Defendants, LARRY FENNERT TRUCKING, LARRY FENNERT and KEN PRATT TRUCKING, failed in the above-mentioned duties and were therefore negligent.

23. Defendants, LARRY FENNERT TRUCKING, LARRY FENNERT and KEN PRATT TRUCKING'S, negligence was the direct and proximate cause of JUANITA RINGLING'S damages listed in this complaint.

#### **SIXTH CLAIM**

##### *Statutory Violations of LARRY FENNERT TRUCKING, LARRY FENNERT and KEN PRATT TRUCKING*

24. For the Sixth Claim of this Complaint, Plaintiff, JUANITA RINGLING, restates and realleges each and every allegation contained in the preceding paragraphs as if fully rewritten herein.

25. Defendants, LARRY FENNERT TRUCKING, LARRY FENNERT and KEN PRATT TRUCKING, violated state and federal statutes and regulations, including but not limited to 49 C.F.R. §§ 350 399 and O.A.C. 4901:2-5-02 through 4901:2-5-08, and R.C. 4511.21A, R.C. 4513.02 and R.C. 4511.202.

26. Defendants, LARRY FENNERT TRUCKING, LARRY FENNERT and KEN PRATT

TRUCKING'S, statutory violations directly and proximately caused Plaintiff's damages.

27. Defendants, LARRY FENNERT TRUCKING, LARRY FENNERT and KEN PRATT TRUCKING, are negligent per se based on these statutory and regulatory violations.

**WHEREFORE**, Plaintiffs, Juanita M. Ringling, demands judgment against Defendants, LARRY FENNERT TRUCKING, LLC, LARRY FENNERT, KEN PRATT TRUCKING COMPANY, and EDWIN P. HUNTER, jointly and severally as follows:

- A. Compensatory Damages in an amount in excess of TWENTY-FIVE THOUSAND DOLLARS, (\$25,000.00), for Plaintiff, JUANITA M. RINGLING, plus interest at the legal rate of interest from the date of the accident described above;
  - a. The costs of this Action, prejudgment interest as to be determined by the Court, and all other relief to which Plaintiff may be entitled to.

Respectfully submitted,

GERVELIS & HARLAN LLC

/s/: Michael D. Harlan  
BY: MICHAEL D. HARLAN (0069160)  
BY: MARK S. GERVELIS (0012647)  
Attorneys for Plaintiff  
3790 Boardman-Canfield Road  
Canfield, Ohio 44406  
(330) 533-6565

#### **JURY DEMAND**

A Trial by Jury is hereby demanded in this Action.



/s/: Michael D. Harlan  
BY: MICHAEL D. HARLAN (0069160)  
Attorney for Plaintiff

**INSTRUCTIONS TO THE CLERK**

Please make certified mail service upon the Defendant at the address listed in the caption above.

/s/: Michael D. Harlan  
BY: MICHAEL D. HARLAN (0069160)  
Attorney for Plaintiff

**LUCAS COUNTY COMMON PLEAS COURT**

CORNER ADAMS & ERIE STREETS  
TOLEDO, OHIO 43604

**SUMMONS  
CIVIL ACTION**

**FILING TYPE:**

**OTHER TORT**

LARRY FENNERT TRUCKING LLC  
5076 250TH AVE  
WALDORF, MN 56091

G-4801-CI-0202201882-000  
JUDGE: JOSEPH V MCNAMARA

You have the right to seek legal counsel. If you cannot afford a lawyer, you may contact the Legal Services of Northwest Ohio. If you do not qualify for services by the Legal Services of Northwest Ohio and do not know an attorney you may contact the Toledo Bar Association's Lawyer Referral Service (419) 242-2000.

You have been named as a defendant in a Complaint filed in this Court by the plaintiff named below. A copy of the Complaint is attached to this Summons.

You are hereby summoned and required to serve upon the plaintiff's attorney, or upon the plaintiff, if he has no attorney of record, a copy of an answer to the complaint, within twenty-eight (28) days after you receive this Summons, exclusive of the day of service or to an amended complaint within the remaining response time to the complaint or 14 days, whichever period may be longer. Your answer must be filed with the Clerk of Court of Common Pleas within three (3) days after the service of a copy of the Answer on the plaintiff's attorney.

If you fail to serve and file your Answer, judgment by default will be rendered against you for the relief demanded in the Complaint.

PLAINTIFF (S)

JUANITA M RINGLING  
437 HAVRE STREET  
TOLEDO, OH 43609

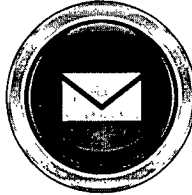
ATTORNEY FOR PLAINTIFF(S)

MICHAEL D HARLAN  
5401 SECOR ROAD  
TOLEDO, OH 43613

BERNIE QUILTER  
CLERK OF COURTS

Date: March 29, 2022

 , Clerk



**IF YOU DO NOT HIRE AN ATTORNEY  
PLEASE READ & RESPOND**  
(mark one & respond)

☐

I request to be notified by email

My email address \_\_\_\_\_

**Send email to:** Lwatt@co.lucas.oh.us  
**Subject:** G-4801-CI-0202201882-000  
LARRY FENNERT  
TRUCKING LLC  
**Message:** Your email address

**OR**

☐

I request to be notified by regular mail  
(Clerk will forward to Court for approval)

My mailing address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Return this Form with your address to:**  
Clerk of Court  
Lucas County Common Pleas Court  
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*Local Rule 5.05 H. SERVICE BY CLERK'S OFFICE Once journalized, the Clerk of courts Office will transmit the entries to the email address submitted by the parties. Counsel for a party or Pro Se litigant representing themselves who do not have an email address may, by motion, request ordinary mail service of entries by the Clerk of Courts Office.*

**LUCAS COUNTY COMMON PLEAS COURT**

CORNER ADAMS & ERIE STREETS  
TOLEDO, OHIO 43604

**SUMMONS  
CIVIL ACTION**

**FILING TYPE:**

**OTHER TORT**

KEN PRATT TRUCKING COMPANY  
15355 KNIGHTON AVE  
PLATTE CITY, MO 64079

G-4801-CI-0202201882-000  
JUDGE: JOSEPH V MCNAMARA

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437 HAVRE STREET  
TOLEDO, OH 43609

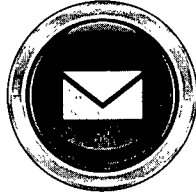
ATTORNEY FOR PLAINTIFF(S)

MICHAEL D HARLAN  
5401 SECOR ROAD  
TOLEDO, OH 43613

BERNIE QUILTER  
CLERK OF COURTS

Date: March 29, 2022

  
\_\_\_\_\_, Clerk



**IF YOU DO NOT HIRE AN ATTORNEY  
PLEASE READ & RESPOND**  
(mark one & respond)

☐

I request to be notified by email

My email address \_\_\_\_\_

Send email to: Lwatt@co.lucas.oh.us  
Subject: G-4801-CI-0202201882-000  
KEN PRATT TRUCKING

COMPANY  
Message: Your email address

**OR**

☐

I request to be notified by regular mail  
(Clerk will forward to Court for approval)

My mailing address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Return this Form with your address to:  
Clerk of Court  
Lucas County Common Pleas Court  
700 Adams  
Toledo, OH 43604

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**LUCAS COUNTY COMMON PLEAS COURT**

CORNER ADAMS & ERIE STREETS  
TOLEDO, OHIO 43604

**SUMMONS  
CIVIL ACTION**

**FILING TYPE:**

**OTHER TORT**

EDWIN P HUNTER  
129 3RD AVENUE N  
WALDORF, MN 56091

G-4801-CI-0202201882-000  
JUDGE: JOSEPH V MCNAMARA

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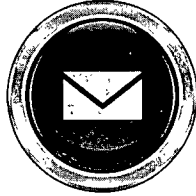
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5401 SECOR ROAD  
TOLEDO, OH 43613

BERNIE QUILTER  
CLERK OF COURTS

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**IF YOU DO NOT HIRE AN ATTORNEY  
PLEASE READ & RESPOND**  
(mark one & respond)

☐

I request to be notified by email

My email address \_\_\_\_\_

**Send email to:** Lwatt@co.lucas.oh.us  
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EDWIN P HUNTER  
**Message:** Your email address

**OR**

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My mailing address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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LARRY FENNERT  
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ATTORNEY FOR PLAINTIFF(S)

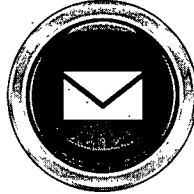
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SENDER COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

LARRY FENNERT TRUCKING LLC  
G-4801-CI-0202201882-000  
CK\*



9590 9402 6202 0220 1962 99

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

Restricted Delivery

(over \$500)

2.

Article Number (Transfer from mailpiece)

7021 2720 0001 8825 2317

USPS TRACKING #

First Class Mail

Postage & Fees Paid

USPS

Permit No. G-10



9590 9402 6200 0220 1962 99

United States  
Postal Service

FILE

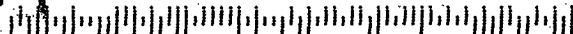
APR 05 2022

Lucas Co. Com. Pleas Court

Bernie Quilter, Clerk

Sender: Please print your name, address, and ZIP+4® in this box•

Bernie Quilter  
Lucas County Clerk of Courts  
700 Adams St.  
Toledo, Ohio 43604



## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

LARRY FENNERT  
G-4801-CI-0202201882-000  
CK\*



9590 9402 6202 0220 1963 05

## 2. Article Number (Transfer from back of mailpiece)

7021 2720 0001 8825 2300

## COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]*

☐ Agent☐ Addressee

B. Received by (Printed Name)

*Vera Fennert*

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

## 3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Signature Confirmation Restricted Delivery

☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

(over \$500)

Restricted Delivery

USPS TRACKING #

ase: 3:22-cv-00650-JZ Doc #: 1-2 Filed: 04/22/22 21 of 23 PageID #: 2



First Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

9590 9402 6202 0220 1963 05

United States  
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box •

Bernie Quilter  
Lucas County Clerk of Court  
700 Adams St.  
Toledo, Ohio 43604

RECEIVED

APR 05 2022

Lucas Co. Clerk of Court  
Bernie Quilter



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

KEN PRATT TRUCKING COMPANY  
G-4801-CI-0202201882-000  
CK\*



9590 9402 6202 0220 1963 29

2. Article Number (Transfer from service label)

7021 2720 0001 8825 2287

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

*[Handwritten Signature]*

☐ Agent

☐ Addressee

B. Received By (Printed Name)

*[Handwritten: Ken Pratt]*

C. Date of Delivery

*[Handwritten: 4/5]*

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Very Restricted Delivery

Restricted Delivery

(over \$500)

USPS TRACKING#



9 APR 2022 PM 1 L

First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

9570 9402 6202 8220 1963 29

United States  
Postal Service

**FILED**

APR 08 2022

Lucas Co. Com. Pleas. Ct.  
Bernie Quilter, Clerk

Sender: Please print your name, address, and ZIP+4® in this box.®

Bernie Quilter  
Lucas County Clerk of Courts  
700 Adams St.  
Toledo, Ohio 43604

